

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DAVID FINKELSTEIN, Individually and  
on Behalf of All Others Similarly Situated,

Plaintiffs,

v.

ANDREW FOX, LEAH SCHWELLER,  
CRAIG DENSON, KENNETH ORR,  
KORR ACQUISITIONS GROUP, INC.,  
and KORR VALUE, L.P.,

Defendants.

Case No: 1:24-cv-04056-JMF

CLASS ACTION

~~PROPOSED~~ **ORDER REGARDING THE DUTIES AND RESPONSIBILITIES OF  
LEAD PLAINTIFF AND LEAD COUNSEL AND SETTING THE SCHEDULE FOR THE  
FILING OF THE SECOND AMENDED COMPLAINT AND MOTION TO DISMISS**

WHEREAS, on December 5, 2024, the Court substituted Timothy K. Klintworth (“Klintworth” or “Lead Plaintiff”) as Lead Plaintiff in place of the Brooklyn Investor Group and approved the appointment of Bragar Eagel & Squire, P.C. as Lead Counsel for Lead Plaintiff and the proposed class (ECF No. 61, the “Order”);

WHEREAS, the Order further provided that, no later than December 12, 2024, Lead Plaintiff Klintworth shall confer with Defendants and file a proposed order setting forth the duties and responsibilities of Lead Plaintiff and Lead Counsel, as well as deadlines for the filing of any amended complaint and answer or motion to dismiss;

WHEREAS, the Amended Complaint filed on November 5, 2024 added three new defendants, Kenneth Orr, Korr Acquisitions Group, Inc., and Korr Value, L.P (ECF No. 51), and none of these defendants have been served or made an appearance; and

WHEREAS, Lead Counsel has conferred with counsel for defendants Andrew Fox, Leah Schweller, and Craig Denson and jointly file the below Proposed Order.

**IT IS HEREBY ORDERED THAT:**

1. Lead Counsel Bragar Eagel & Squire, P.C. shall have the following responsibilities and duties, on behalf of the Class, to be carried out either personally or through counsel whom Lead Counsel shall designate:

- a. to coordinate the briefing and argument of any and all motions;
- b. to coordinate the conduct of any and all discovery proceedings;
- c. to coordinate the examination of any and all witnesses in depositions;
- d. to coordinate the selection of counsel to act as spokesperson at all pretrial conferences;
- e. to coordinate all settlement negotiations with counsel for defendants;

- f. to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this action, and to delegate work responsibilities to selected counsel as may be required; and
- g. to coordinate the preparation and filings of all pleadings and to supervise all other matters concerning this litigation.

No settlement negotiations shall be conducted without the approval of Lead Counsel. Lead Counsel shall be responsible for receiving and disseminating Court orders and notices. Lead Counsel shall be the contact between the Class and defendants' counsel and shall serve as the spokespersons for the Class. Lead Counsel shall act as the liaison between the Court and the Class.

2. Lead Plaintiff shall file a Second Amended Complaint no later than January 17, 2025.

3. Defendants shall answer, move, or otherwise respond to the Second Amended Complaint within 60 days of being served with the Second Amended Complaint;

4. If Defendants move to dismiss the Second Amended Complaint (the "Motion"), Lead Plaintiff shall file any opposition (the "Opposition") thereto within 45 days of being served with the Motion.

5. Defendants shall file any replies in support of the Motion thereto within 30 days of being served with the Opposition.

6. As Lead Plaintiff will be filing a Second Amended Complaint, which will become the operative complaint for this action, the Amended Complaint need not be served on the newly named defendants.

**IT IS SO STIPULATED.**

Dated: December 12, 2024

**BRAGAR EAGEL & SQUIRE, P.C.**

/s/ Brandon Walker

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and Leah Schweller*

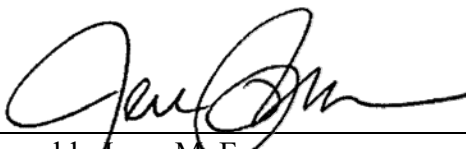
**STEVENS & LEE, P.C.**

/s/ David M. Stewart

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*Attorneys for Defendant Andrew Fox*

**IT IS SO ORDERED.**

Dated: December 13, 2024

  
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Honorable Jesse M. Furman  
United States District Judge